

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NEW TECHNOLOGY ADVANTAGE,  
KEVIN DONAHOE-CEO,

Plaintiff,

v.

STEVE PETRUZELLI, WILLAMETTE  
DENTAL GROUP, PC, ET AL.,

Defendant(s).

Case No. C07-5240RBL

ORDER

This matter comes before the Court on three motions by Plaintiff. The court has considered the pleadings filed in support of and in opposition to the motion and the file herein.

Plaintiff's Emergency MOTION to Compel mental competency hearing for Judge Ronald Leighton to EVALUATE his "mental fitness / competency" [sic] for public duty as a judge, Dkt. #56, is **DENIED**.

Plaintiff's motions for Default Judgment must be denied because the defendants in question properly responded to Plaintiff's complaint or are no longer parties to this action. CR 55 governs defaults: "Upon motion by a party... the clerk shall enter the default of any party against whom a judgment for affirmative relief is sought but who has failed to plead *or otherwise defend*." Filing either a motion to dismiss under Fed. R. Civ. P. 12(b)(6) or a motion for summary judgment under Fed. R. Civ. P. 56 is a sufficient response, if timely, to avoid an entry of default.

Plaintiff's Proposed MOTION for Default Judgment for not filing a RESPONSE before time ran

1 out to file it, Dkt. #53, is therefore **DENIED** because defendant Steve Petrucelli timely moved for  
2 summary judgment, Dkt. # 12; defendant "George Bush Jr." (presumed to be George W. Bush, the  
3 president of the United States) timely moved to dismiss, Dkt. #16; defendant Christine Gregoire timely  
4 moved for summary judgment, Dkt. #9, and claims against her have been remanded to state court, Dkt.  
5 #50; and defendant Mark Foutch has been dismissed from this action, Dkt. #50.

6 Plaintiff's Proposed MOTION for Default Judgment against the American Dental Association and  
7 the American Medical Association for not filing responses before time ran out, Dkt. #54, is **DENIED**  
8 because those parties have also filed timely motions to dismiss, Dkt. #s 15, 18.

9 Therefore, it is hereby

10 **ORDERED** that Plaintiff's motions, Dkt. Nos. 53, 54, and 56 are DENIED.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any  
12 party appearing *pro se* at said party's last known address.

13 DATED this 2 day of July, 2007.

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17 RONALD B. LEIGHTON  
18 UNITED STATES DISTRICT JUDGE  
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